

County of Marin <b>Behavioral Health and Recovery</b>	POLICY NO. BHRS-03
	Next Review Date: August 1, 2027
<b>POLICY:</b>	Date Approved: August 9, 2024
<b><u>CHARITABLE CHOICE REQUIREMENTS</u></b>	By:  _____ Todd Schirmer, PhD, CCHP Director, Behavioral Health and Recovery Services
SUPERCEDES: MHSUS-ADP-03	

**POLICY: CHARITABLE CHOICE REQUIREMENTS**

**I. PURPOSE:**

The purpose of this policy is to ensure individuals served by County Behavioral Health and Recovery Services (BHRS) and their contractors are not discriminated against on the basis of religion. The purpose of the policy is also to ensure that no federal funds shall be used by the County or subcontractors to support religious activity.

**II. REFERENCES:**

USC, Title 42, Section 300x-65 and CFR, Title 42, Part 54  
Substance Use Prevention and Treatment Block Grant (SUBG) Contract, Enclosure 2  
Drug/Medi-Cal Organized Delivery System (DMC-ODS) Intergovernmental Agreement (IA), Exhibit A

**III. POLICY:**

It is the policy of County BHRS to ensure adherence to Nondiscrimination and Institutional Safeguards for Religious Providers, Title 42 Code of Federal Regulations (CFR), Part 54. In compliance with Federal requirements, it is also the policy that no federal funds shall be used by the County or its subcontractors for sectarian worship, instruction, or proselytization and no federal or state funds shall be used to provide direct, immediate, or substantial support to any religious activity.

**IV. AUTHORITY/RESPONSIBILITY:**

Contract Managers  
Alcohol and Drug Administrator  
BHRS Director

**V. PROCEDURE:**

The County ensures that the County and its contractors receiving funding under the SUBG Contract or DMC-ODS IA comply with requirements of funding sources and applicable laws and regulations through the below methods. The County and contractors shall not use

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funds for inherently religious activities, such as worship, religious instruction, or proselytization.

All services and/or contracts shall include language prohibiting discrimination against individuals on the basis of religion. In addition, religious organizations shall be equally eligible for receipt of contracts through BHRS.

Contracting religious organizations shall establish a referral process to a reasonably accessible program for clients who may object to the religious nature of the contractor's program, and contractors shall be required to notify clients of their rights prohibiting discrimination and to be referred to another program if they object to the religious nature of the program at intake. Contractors are required to report any referrals that were made due to the religious nature of the contractor's program to their Contract Manager by June 30 for referrals made during the fiscal year.

Marin BHRS shall document the total number of referrals necessitated by religious objection to other alternative SUD providers. The County shall annually submit this information to DHCS by e-mail at [CharitableChoice@dhcs.ca.gov](mailto:CharitableChoice@dhcs.ca.gov) by October 1st. The annual submission shall contain all substantive information required by DHCS and be formatted in a manner prescribed by DHCS.

Contractor compliance with this policy shall be achieved through:

1. Distribution of the SUBG and DMC-ODS Requirements in the Contractor Manual and Practice Guidelines annually at contract renewal, which includes the County policy on Charitable Choice Requirements.
2. Approval of contract as to form and legal affect by county counsel.
3. Signature of Contractor on contract agreeing to all conditions set forth in the contract.
4. Approval and execution of contract by the County Board of Supervisors or County Executive.
5. Annual fiscal review, in which BHRS staff or their fiscal officer ensures funds are not used for religious program content.
6. Annual completion of Self Audit by Contractor, and subsequent review by BHRS Contract Manager, including Contractor's signed attestation of adherence to all laws and regulations.
7. At annual Site Visit, Contract Manager shall review policy regarding Charitable Choice Requirements, and review client intake documentation to ensure clients are notified of their rights prohibiting discrimination, and right to be referred to a different program if desired.

County-operated program compliance with this policy shall be achieved through:

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1. Approval of SUBG Contract and DMC-ODS IA by Board of Supervisors or authorized designee agreeing to all conditions set forth in the contract.
2. Attestation to compliance with Charitable Choice Requirements at the annual DHCS Monitoring review.
3. Annual fiscal review, in which BHRS staff or their fiscal officer ensures funds are not used for religious program content.
4. Annual completion of Self Audit, including County Alcohol & Drug Administrator's signed attestation of adherence to all laws and regulations.
5. At annual Site Visit, BHRS Quality Management shall review policy regarding Charitable Choice Requirements, and review client intake documentation to ensure clients are notified of their rights prohibiting discrimination, and right to be referred to a different program if desired.